



212 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-19527-2018

Date of decision: 13.01.2026

ISHWAR SINGH AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jagbir Malik, Advocate
for the petitioners.

Mr. Saurabh Girdhar, Asstt.A.G., Haryana.

HARPREET SINGH BRAR, J (Oral):

1. The instant writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *Certiorari* for quashing the impugned action of the respondents by which the petitioners have been denied their pay fixation after granting them benefit of Annual increments equivalent to the years of their service in Army on the ground that the instructions dated 27.08.1998 and 16.02.1999 (Annexure P-4 and P-5) are meant only for ex-combatant clerks re-employed on civil post of LDC/junior clerk and not for ex-combatant junior commissioned officers i.e. Subedars, Naib Subedars and JWO re-employed on civil post of welfare organisor and further for directing the respondents to grant the benefit of instructions dated 27.08.1998 and 16.02.1999 (Annexure P-4 and P-5) to the petitioners also and after refixation of their pay make the payment of arrears with 18 % interest per annum.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners are seeking the benefits of instructions dated 27.08.1998 and



16.02.1999 (Annexure P-4 and P-5) for fixation of their pay after giving them the benefits of past service rendered by them. It is submitted that the benefit of the said instructions is being given to Class I and Class III employees whereas the petitioners who are Class II employees are being discriminated. Learned counsel for the petitioners has further placed reliance upon the precedents titled **“Capt. Indu Boken Vs. State of Haryana and others”** in CWP-20053-2009 and **“Capt V.S. Narwal Vs. Chief Secretary to Government, Haryana** in CWP-3265-1995 respectively and submits that such discrimination is violative of Article 14 of the Constitution of Law.

3. Learned counsel for the petitioners further refers to reply filed on behalf of respondents No.1 to 8 and submits that a hypothetical approach has been adopted and the stand has been taken that only the ex-combatant clerks re-employed on civil post of LDC/Junior clerk are entitled to incremental benefit equal to the number of completed years rendered in the Armed Forces and that the denial of such benefit to petitioners is arbitrary. Learned counsel further submits that in the light of judgments rendered by Division Bench of this Court in **Capt V.S. Narwal(supra)** and single Bench of this Court in **Capt. Indu Boken(supra)** such an argument is liable to be rejected, as the benefit of increments has been extended to Class I employees.

4. Per contra, learned State counsel submits that the petitioners although retired from the Indian Army, however, they are not re-employed on any civil post rather they are employed in Zila Sainik Boards which are welfare organisers. As such, the benefit in terms of instructions dated



27.08.1998 and 16.02.1999 (Annexure P-4 and P-5) cannot be extended to the petitioners.

5. At this stage, learned counsel for the petitioners submits that he would be satisfied in case the present petition is treated as a comprehensive representation and direction be issued to the respondent No.1 to consider the same by respondent No.1 in time bound manner and decided in the light of the judgment rendered by this Court in **Capt V.S. Narwal(supra) and Capt. Indu Boken(supra)**.

6. In view of the limited prayer made by learned counsel for the petitioners, present petition is disposed of and respondent No.1 is directed to consider the instant writ petition as comprehensive representations and pass a speaking order, after affording an opportunity of hearing to the petitioners, within a period of three months from the date of receipt of certified copy of this order and further, the decision shall be conveyed to the petitioners.

7. Needless to say, if the petitioners are found entitled to the relief sought, the same be granted to him forthwith by the competent authority.

(HARPREET SINGH BRAR)
JUDGE

13.01.2026

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1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No